

County Committee Members:

In our capacity as Manalapan Township and Freehold Township Chairmen, we have serious concerns with regard to Sheriff Shaun Golden's eligibility to run for Monmouth County Republican Committee Chairman. It is our understanding that if elected County Chair, Sheriff Golden intends to continue on as Sheriff, which is a constitutional office. New Jersey Local Government Ethics Law appears to bar him from holding both positions at the same time.

Before his campaign for Chairman proceeds any further, Sheriff Golden should disclose whether he or any of his supporters requested and received an advisory opinion from the State Department of Community Affairs (more specifically, the Division of Local Government's Local Finance Board) prior to announcing his challenge to our current County Chairman John Bennett. If an opinion was received, this opinion needs to be made public immediately. If an opinion was not requested, it is clear that Sheriff Golden's candidacy was announced without him undertaking basic due diligence, and it puts not only the County Committee, but also the Monmouth County Republican Party and its candidates in a perilous position.

Under New Jersey Local Governments Ethics Law, the Monmouth County Sheriff's Office is a "local government agency" and the Sheriff is a "local government officer." Moreover, the Board of Chosen Freeholders falls squarely within the definition of "governing body." There is no doubt that Sheriff Golden and the Monmouth County Sheriff's Department are governed by the Local Government Ethics Law. Sheriff Golden's intention to simultaneously serve as Sheriff and Republican Chairman, unless previously cleared by the State, will subject him to numerous ethical challenges under N.J.S.A. 40A:9-22.5. The following list of examples is by no means exhaustive, but serves to illustrate several obvious ways that holding these two positions can run afoul of the Ethics Law:

- He will be engaging in activity that is in substantial conflict with the proper discharge of his duties in the public interest as Sheriff. As Sheriff, he will be working for the very same people who need his political support, endorsement, and funding, should he be elected County Chair.
- He may, when he goes before the Board of Chosen Freeholders, appear to use or attempt to use his official position as County Chair to secure unwarranted privileges or advantages for himself or others.
- In dealing with the Board of Chosen Freeholders, he will be acting in his official capacity in instances where he has a direct or indirect personal involvement that might reasonably be expected to impair his judgment in the exercise of his official duties.
- As County Chair, his independence of judgment in the exercise of his official duties as Sheriff could reasonably be expected to be prejudiced.
- If there is a ballot or election issue, Sheriff Golden will not be able to intervene as Chairman without running afoul of the ethics law's prohibition on a person representing any person or party other than the local government with any cause or proceeding.
- When or if Sheriff Golden runs for Sheriff again, he will be the very person funding his campaign with Republican Party money.

Finally, there is a prohibition on local government officers or employees soliciting any gift, favor, loan, *political contribution*, service, promise of future employment, or other thing of value given or offered based on an understanding that the thing offered was for the purpose of influencing him, directly or indirectly, in the discharge of his official duties.

It cannot be emphasized enough that if elected Chairman while serving as Sheriff, he will, among other things, be seeking approval for various necessities tied to the County's largest Department, including its budget, from the very same people who will be looking to him for support, endorsement, and financing during election cycles. Indeed, every interaction between the Sheriff's Department and the Freeholders will be scrutinized and subject to allegations of bias. This is an unnecessary risk to both the Sheriff's and the Freeholders' political careers.

Prior to challenging our current Chairman, we can only hope Sheriff Golden sought and received an advisory opinion from the State, which would in theory provide somewhat of a safe harbor for him at the onset. But even if he is holding such an opinion, there is no doubt that his actions will be placed under a microscope on a daily basis. And should his actions run afoul of the Ethics Law, no advisory opinion will be sufficient to insulate him. Indeed, this is of utmost importance in connection with Sheriff Golden as he is a constitutional officer, where violations of these types of prohibitions subject him to monetary civil penalties and removal from office. This would be tremendously harmful to the Sheriff's Department as well as the County Party.

This very situation has occurred before, with disastrous results. Twice in the past, County Sheriffs have also served as County Committee Chairmen. Both were indicted, and one is currently in jail. The danger of wearing these two hats is clear. Accordingly, until Sheriff Golden produces at minimum, an advisory opinion from the State, we have little confidence that if elected, Sheriff Golden will be permitted to serve out his term as Chairman. As previously stated, even if he does have an opinion, we expect that his actions, and those of the Freeholders, will be continuously scrutinized and challenged.


As Republicans, we have built and solidified a base in Monmouth County that is an example for others throughout the State. What we do not need at this time is a controversy that is entirely preventable. Sheriff Golden's proposal to hold two positions simultaneously creates a situation that is riddled with potential ethical pitfalls. For that reason, **we call on Sheriff Golden to either disclose an advisory opinion demonstrating the permissibility of him serving in these dual offices, OR explain to the County Committee why he did not engage in simple due diligence.**

Sincerely,



Steve McEnery

Manalapan Township Republican County Committee Chairman



Anthony Graziano

Freehold Township Republican County Committee Chairman